

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WADE K. MARLER, DDS, *et al.*,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE  
COMPANY,

Defendant.

NO. 2:20-cv-00616-BJR

KARA MCCULLOCH DMD MSD PLLC, *et al.*,

Plaintiffs,

v.

VALLEY FORGE INSURANCE  
COMPANY, *et al.*,

Defendants.

NO. 2:20-cv-00809-BJR

CABALLERO,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE  
COMPANY,

Defendant.

NO. 2: 20-cv-05437-BJR

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 1

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

CHORAK, *et al.*,

Plaintiffs,

v.

HARTFORD CASUALTY INSURANCE  
COMPANY, *et al.*,

Defendants.

NO. 2:20-CV-00627-BJR

PACIFIC ENDODONTICS, P.C., *et al.*,

Plaintiffs,

v.

OHIO CASUALTY INSURANCE  
COMPANY, *et al.*,

Defendants.

NO. 2:20-CV-00620-BJR

NGUYEN, *et al.*,

Plaintiffs,

v.

TRAVELERS CASUALTY INSURANCE  
COMPANY OF AMERICA, *et al.*,

Defendants.

NO. 2:20-cv-00597-BJR

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 2

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

LA COCINA DE OAXACA LLC,

Plaintiff,

v.

TRI-STATE INSURANCE COMPANY OF  
MINNESOTA,

Defendant.

NO. 2:20-CV-01176-BJR

MARK GERMACK DDS,

Plaintiff,

v.

THE DENTISTS INSURANCE COMPANY,

Defendant.

NO. 2:20-CV-0661-BJR

**STIPULATION**

**Whereas,**

1. From April through November of 2020, the plaintiffs in the above-captioned cases filed original complaints for business interruption insurance coverage in this district. Certain of these actions were stayed for periods of time pending review of the actions by the Judicial Panel on Multidistrict Litigation (JPML) for potential consolidation and transfer.

2. After the JPML denied consolidation, the Court by order dated November 10, 2020, consolidated cases in this district by insurer family, and stayed discovery in each of the consolidated cases until such time as the Court rules on dispositive motions.

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 3

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

1           3.       On November 24, 2020, the Court granted the parties' Stipulated Motions for  
2 Amended Complaints and Briefing of Dispositive Motions and ordered amended complaints in  
3 the consolidated actions be filed no later than November 25, and that the briefing of dispositive  
4 motions in each of the consolidated cases be completed by March 5, 2021.

5           4.       Under Local Rule 23(i)(3), there is a deadline to file a motion for class  
6 certification within 180 days of filing a complaint.

7  
8           **Now, therefore**, in light of the Court's orders, including the current discovery stay until  
9 the Court rules on dispositive motions, counsel for the parties agree that good cause exists to  
10 continue the date upon which the Plaintiffs shall file their motions for class certification pursuant  
11 to Local Civil Rule 23(i)(3).

12           The parties stipulate and request that a comprehensive case schedule, including deadlines  
13 for fact and expert discovery and (for class action cases) the filing of a motion for class  
14 certification, be set by the Court, if necessary, after the Court rules on the dispositive motions.

15  
16                               **ORDER**

17           Having reviewed the parties' stipulation, and finding that good cause exists for the  
18 requested relief from LCR 23(i)(3), the Court will, if necessary, issue a case schedule setting  
19 deadlines for fact and expert discovery and for Plaintiffs (in the class action cases) to file their  
20 motions for class certification in the above-referenced actions after the Court rules on the  
21 dispositive motions, which are scheduled to be fully briefed and filed no later than March 5,  
22 2021, pursuant to the Court's November 24, 2020 Scheduling Order entered in the actions.

23  
24           DATED this 7th day of January, 2021.

25  
26           STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 4

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384



Barbara J. Rothstein  
UNITED STATES DISTRICT JUDGE

Presented By:

**KELLER ROHRBACK L.L.P.**

By: s/ Amy Williams-Derry

By: s/ Lynn L. Sarko

By: s/ Gretchen Freeman Cappio

By: s/ Ian S. Birk

By: s/ Irene M. Hecht

By: s/ Karin B. Swope

By: s/ Nathan L. Nanfelt

Amy Williams-Derry, WSBA #28711  
Lynn Lincoln Sarko, WSBA #16569  
Gretchen Freeman Cappio, WSBA #29576  
Ian S. Birk, WSBA #31431  
Irene M. Hecht, WSBA #11063  
Karin B. Swope, WSBA #24015  
Nathan Nanfelt, WSBA #45273  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Telephone: (206) 623-1900  
Fax: (206) 623-3384  
Email: [awilliams-derry@kellerrohrback.com](mailto:awilliams-derry@kellerrohrback.com)  
Email: [lsarko@kellerrohrback.com](mailto:lsarko@kellerrohrback.com)  
Email: [gcappio@kellerrohrback.com](mailto:gcappio@kellerrohrback.com)  
Email: [ibirk@kellerrohrback.com](mailto:ibirk@kellerrohrback.com)  
Email: [ihecht@kellerrohrback.com](mailto:ihecht@kellerrohrback.com)  
Email: [kswope@kellerrohrback.com](mailto:kswope@kellerrohrback.com)  
Email: [mfalecki@kellerrohrback.com](mailto:mfalecki@kellerrohrback.com)  
Email: [nnanfelt@kellerrohrback.com](mailto:nnanfelt@kellerrohrback.com)

By: s/ Alison Chase

Alison Chase, *pro hac vice forthcoming*  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Telephone: (805) 456-1496  
Fax: (805) 456-1497  
Email: [achase@kellerrohrback.com](mailto:achase@kellerrohrback.com)

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 5

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

*Attorneys for Plaintiffs Nguyen et al., Pacific Endodontics, et al., Chorak et al., Marler et al., McCulloch, et al., Caballero, Germack, La Cocina de Oaxaca LLC, Owens Davies, P.S., and The Seattle Symphony Orchestra*

**RUIZ & SMART  
PLAINTIFF LITIGATION PLLC**

By: s/ William C. Smart

By: s/ Isaac Ruiz

By: s/ Kathryn Knudsen

William C. Smart, WSBA #8192

Isaac Ruiz, WSBA #35237

Kathryn M. Knudsen, WSBA #41075

Email: [wsmart@plaintifflit.com](mailto:wsmart@plaintifflit.com)

Email: [iruiz@plaintifflit.com](mailto:iruiz@plaintifflit.com)

Email: [kknudsen@plaintifflit.com](mailto:kknudsen@plaintifflit.com)

*Attorneys for Plaintiffs Jennifer Strelow, DMD and Shokofeh Tabaraie DDS PLLC*

**HACKETT, BEECHER & HART**

By: s/ Brent W. Beecher

Brent W. Beecher, WSBA #31095

601 Union Street, Suite 2600

Seattle, WA 98101

Telephone: (206) 787-1830

Email: [bbeecher@hackettbeecher.com](mailto:bbeecher@hackettbeecher.com)

*Attorneys for Seattle Bakery, LLC, CSQBKR2018, LLC, Piroshky Piroshky Baker, LLC, Piroshky Baking Company, LLC, SCRBKR2017, LLC*

**THE LOYD LAW FIRM, P.L.L.C.**

By: s/ Shannon Loyd

Shannon Loyd

12703 Spectrum Drive, Suite 201

San Antonio, Texas 78249

Telephone: (210) 775-1424

Facsimile: (210) 775-1410

Email: [shannon@theloydlawfirm.com](mailto:shannon@theloydlawfirm.com)

*Attorneys for Plaintiff J Bells LLC*

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 6

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

TELEPHONE: (206) 623-1900

FACSIMILE: (206) 623-3384

**GORDON TILDEN THOMAS &  
CORDEL LLP**

By: s/ Mark A. Wilner  
Mark A. Wilner, WSBA #31550  
One Union Square  
600 University Street, Suite 2915  
Seattle, WA 98101  
Telephone: (206) 467-6477  
Fax: (206) 467-6292  
Email: <mailto:fcordell@gordontilden.com>  
[mwilner@gordontilden.com](mailto:mwilner@gordontilden.com)

*Attorneys for Plaintiffs Suneet Bath,  
Noskenda Inc.*

**GORDON TILDEN THOMAS &  
CORDEL LLP**

By: s/ Franklin D. Cordell  
By: s/ Kasey D. Huebner  
Franklin D. Cordell, WSBA #26392  
Kasey D. Huebner, WSBA #32890  
One Union Square  
600 University Street, Suite 2915  
Seattle, WA 98101  
Telephone: (206) 467-6477  
Fax: (206) 467-6292  
Email: [fcordell@gordontilden.com](mailto:fcordell@gordontilden.com)  
Email: [khuebner@gordontilden.com](mailto:khuebner@gordontilden.com)

*Attorneys for Plaintiff The Seattle Symphony  
Orchestra*

**SIDLEY AUSTIN LLP**

By: s/ Robin E. Wechkin  
Robin E. Wechkin, WSBA No. 24746  
1420 Fifth Avenue, Suite 1400  
Seattle, WA 98101  
Telephone: (415) 439-1799  
Email: [rwechkin@sidley.com](mailto:rwechkin@sidley.com)

Yvette Ostolaza (pro hac vice)  
Yolanda C. Garcia (pro hac vice)  
2021 McKinney Avenue, Suite 2000  
Dallas, Texas 75201

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 7

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

Telephone: (214) 981-3401  
Facsimile: (214) 981-3400  
Email: [yvette.ostolaza@sidley.com](mailto:yvette.ostolaza@sidley.com)  
Email: [ygarcia@sidley.com](mailto:ygarcia@sidley.com)

***Attorneys for Defendant Aspen American Insurance Company***

**DLA PIPER LLP (US)**

By: s/ Anthony Todaro  
By: s/ Lianna M. Bash  
Anthony Todaro, WSBA No. 30391 Lianna  
Bash, WSBA No. 52598  
701 Fifth Avenue, Suite 6900  
Seattle, Washington 98104-7029  
Tel: 206.839.4800  
Fax: 206.839.4801  
E-mail: [anthony.todaro@us.dlapiper.com](mailto:anthony.todaro@us.dlapiper.com)  
E-mail: [lianna.bash@us.dlapiper.com](mailto:lianna.bash@us.dlapiper.com)

**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**

By: s/ H. Christopher Boehning  
By: s/ Elizabeth M. Sacksteder  
By: s/ Daniel H. Levi  
By: s/ Hallie S. Goldblatt  
H. Christopher Boehning (pro hac vice)  
Elizabeth M. Sacksteder (pro hac vice)  
Daniel H. Levi (pro hac vice)  
Hallie S. Goldblatt (pro hac vice)  
1285 Avenue of the Americas  
New York, New York 10019-6064  
Tel: 212.373.3000  
Fax: 212.757.3990  
E-mail: [cboehning@paulweiss.com](mailto:cboehning@paulweiss.com)  
E-mail: [esacksteder@paulweiss.com](mailto:esacksteder@paulweiss.com)  
E-mail: [dlevi@paulweiss.com](mailto:dlevi@paulweiss.com)  
E-mail: [hgoldblatt@paulweiss.com](mailto:hgoldblatt@paulweiss.com)

***Attorneys for Defendants Valley Forge Insurance Company and Transportation Insurance Company***  
**FORSBERG & UMLAUF, P.S.**

By: s/ Matthew S. Adams  
Matthew S. Adams  
901 Fifth Avenue, Suite 1400  
Seattle, WA 98164

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 8

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384



Telephone: 206-689-8500  
Fax: 206-689-8501  
Email: [madams@foum.law](mailto:madams@foum.law)

**STEPTOE & JOHNSON LLP**

Sarah D. Gordon (*pro hac vice* forthcoming)  
1330 Connecticut Avenue, NW  
Telephone: (202) 429-3000  
Facsimile: (202) 429-3902  
Email: [sgordon@steptoe.com](mailto:sgordon@steptoe.com)

Anthony J. Anscombe (*pro hac vice* forthcoming)  
One Market Plaza  
Spear Tower, Suite 3900  
San Francisco, CA 94105  
Telephone: (415) 365-6700  
Facsimile: (312) 577-1370  
Email: [aanscombe@steptoe.com](mailto:aanscombe@steptoe.com)

*Attorneys for Defendants Sentinel Insurance Company, Ltd. and Hartford Casualty Insurance Company*

**BAKER & HOSTETLER LLP**

By: s/ James R. Morrison  
James R. Morrison, WSBA No. 43043  
999 Third Avenue, Suite 3900  
Seattle, WA 98104-4040  
Phone: (206) 332-1380  
E-mail: [jmorrison@bakerlaw.com](mailto:jmorrison@bakerlaw.com)

**ALSTON & BIRD LLP**

By: s/ Cari K. Dawson  
Cari K. Dawson (*pro hac vice*) Kara  
F. Kennedy (*pro hac vice*)  
1201 W. Peachtree St.  
Atlanta, GA 30309  
Phone: (404) 881-7000  
Email: [cari.dawson@alston.com](mailto:cari.dawson@alston.com)  
Email: [kara.kennedy@alston.com](mailto:kara.kennedy@alston.com)

*Attorneys for Defendants American Fire and Casualty Company, The Ohio Casualty Insurance Company, and Ohio Security Insurance Company*

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 9

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

**BULLIVANT HOUSER BAILEY, PC**

By: s/ John D. Bennett

John A. Bennett, WSBA #33214  
Stuart D. Jones (pro hac vice)  
925 Fourth Avenue, Ste. 3800  
Seattle, Washington 98104  
Telephone: (206) 292-8930  
E-mail: [john.bennett@bullivant.com](mailto:john.bennett@bullivant.com)  
E-mail: [stuart.jones@bullivant.com](mailto:stuart.jones@bullivant.com)

**WIGGIN AND DANA LLP**

By: s/ Michael Menapace

Michael Menapace (pro hac vice)  
Robyn Gallagher (pro hac vice)  
20 Church Street  
Hartford, Connecticut 06103  
Tel.: (860) 297-3700  
E-mail: [mmenapace@wiggins.com](mailto:mmenapace@wiggins.com)  
E-mail: [rgallagher@wiggins.com](mailto:rgallagher@wiggins.com)

***Attorneys for Defendant Massachusetts Bay Insurance Company***

By: s/ Daniel R. Bentson

By: s/ Owen R. Mooney

Daniel R. Bentson, WSBA #36825 Owen  
R. Mooney, WSBA #45779  
925 Fourth Avenue, Ste. 3800  
Seattle, Washington 98104  
Telephone: (206) 292-8930  
E-mail: [dan.bentson@bullivant.com](mailto:dan.bentson@bullivant.com)  
E-mail: [owen.mooney@bullivant.com](mailto:owen.mooney@bullivant.com)

**ROBINSON & COLE LLP**

By: s/ Wystan M. Ackerman

Wystan M. Ackerman (pro hac vice)  
Stephen E. Goldman (pro hac vice)  
280 Trumbull Street  
Hartford, CT 06103  
Telephone: (860) 275-8388  
Email: [wackerman@rc.com](mailto:wackerman@rc.com)  
Email: [sgoldman@rc.com](mailto:sgoldman@rc.com)

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 10

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

*Attorneys for Defendants Travelers Casualty  
Insurance Company of America, The Travelers  
Indemnity Co. of America, and The Charter Oak  
Fire Insurance Company*

**BULLIVANT HOUSER BAILEY, PC**

By: s/ John A. Bennett

John A. Bennett, WSBA #33214

Stuart D. Jones (pro hac vice)

925 Fourth Avenue, Ste. 3800

Seattle, Washington 98104

Telephone: (206) 292-8930

E-mail: [john.bennett@bullivant.com](mailto:john.bennett@bullivant.com)

E-mail: [stuart.jones@bullivant.com](mailto:stuart.jones@bullivant.com)

**STEPTOE & JOHNSON LLP**

By: s/ Antonia B. Ianniello

Antonia B. Ianniello (pro hac vice)

1330 Connecticut Avenue, N.W.

Washington, D.C. 20036

Telephone: (202) 429-8087

Facsimile: (202) 429-3902

Email: [aianniello@steptoe.com](mailto:aianniello@steptoe.com)

By: s/ Darlene K. Alt

Darlene K. Alt (pro hac vice)

227 West Monroe Street, Ste.

4700 Chicago, Illinois 60606

Telephone: (312) 577-1262

E-mail: [dalt@steptoe.com](mailto:dalt@steptoe.com)

*Attorneys for Defendant Tri-State Insurance  
Company of Minnesota*

4833-1011-8358, v. 1

STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 11

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

TELEPHONE: (206) 623-1900

FACSIMILE: (206) 623-3384